

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM  
Section 1: Chama Mainstream

Acequia de Chamita  
Subfile No. 267

**CONSOLIDATED EXHIBIT LIST OF STATE OF NEW MEXICO  
AND DAVID M. ORTIZ AND CECILIA S. ORTIZ IDENTIFYING EXHIBITS  
TO WHICH THERE ARE OBJECTIONS**

**Objections to exhibits are listed in italics.**

**EXHIBITS BY STATE OF NEW MEXICO.**

6. Archives of the Indies, original copy of “Act of Obedience and Vassalage” (1598).

*Defendants object to this exhibit as unreadable.*

8. Original copy of the *Ytinerario* (1598).

*Defendants object to this exhibit as unreadable.*

**EXHIBITS BY DEFENDANTS DAVID M. ORTIZ AND CECILA S. ORTIZ.**

- Y. LA 59, San Gabriel Archeological Report: Historic Preservation of San Gabriel del Yunque. Bandelier, Ellis, Jenkins, Levine, etc.

*This exhibit consists of two parts, a Nomination Form for the National Register of Historic Places prepared by Frances Levine and copies of archeological sketches and photographs. The State objects to the contents of the nomination form and the discussion of the history of San Gabriel de Yunque-Ouinge as hearsay. The State does not object to the admission of the sketches and photographs.*

AA. Acequia de Chamita By-Laws, members claim August 11, 1598, 2004, by majority vote.

*Hearsay, no relevance under Fed. R. Evid. 401.*

BB. Rio Arriba County Board of Commissioners. Resolution to remember County History, Acequia de Chamita 1598 establishment.

*Hearsay, no relevance under Fed. R. Evid. 401.*

CC. Acequia de Chamita Commissioners 2002, Notice of 1598 Priority call, 2002.

*Hearsay, no relevance under Fed. R. Evid. 401.*

GG. City of Espanola Proclamation, 1993. Mayor Richard Lucero of Espanola remembers Onate's beginning.

*Hearsay, no relevance under Fed. R. Evid. 401.*

HH. The Utton Center-WATER MATTERS! UNM Law School identifies Chamita of 1598.

*Hearsay, no relevance under Fed. R. Evid. 401.*

II. 1995 Eight Northern Pueblos Visitors Guide. San Juan Indians do not claim 1598 Acequia, San Gabriel on the other side of the river.

*Hearsay, no relevance, under Fed. R. Evid. 401.*

JJ. Historical Abstracts of Acequias/Stanley Hordes. Acequia de Chamita, 1598, document: Torquemada. Why did he change his "opinion"?

*Hearsay, no relevance under Fed. R. Evid. 401.*

KK. State of New Mexico remembers the 1598 Acequia.

*Hearsay, no relevance under Fed. R. Evid. 401.*

OO. Doc.9657 filed in 3/31/2010, the "Bible", in Objection to Special Masters Report, Doc.9546 (12/16/09), Judge Black, Extension to file, Doc.9603 (2/23/10). Defense of Acequia de Chamita's 1598 establishment.

*Hearsay, exhibit includes contentions and opinion statements made by defendants in pleadings filed with the Court, no copy of proposed exhibit provided to State.*

- PP. Doc.10680, Commissioner/Parciante Ortiz objects to 1600 Offer. Has yet to see proof of 1600.

*Hearsay, exhibit includes contentions and opinion statements made by defendants in pleadings filed with the Court, no copy of proposed exhibit provided to State.*

- QQ. Doc.9917, who is subfile 267, map 22, tract 17? Onate Colonizers are Ortiz's Padres Pobladores who also came to soldier & farm.

*Hearsay, no relevance under Fed. R. Evid. 401.*

- RR. PRETRIAL ORDER ON MAINSTREAM SECTION PRIORITY DATES 96Mar25. Special Master Gabin identifies 3 Acequias claiming 1598-1600 and an expert Historian claiming 1714.

*Hearsay, no relevance under Fed. R. Evid. 401.*

- SS. ACEQUIAS CONTENTIONS REGARDING MAINSTREAM SECTION PRIORITY DATES 96Jun14. Acequia Lawyer identifies Dr. Levine establishing the Onate Colony in Chamita in 1598-1600, then both she and Dr. Hordes opt for the 1600.

*Hearsay, no relevance under Fed. R. Evid. 401, exhibit consists of the contentions of another party.*

- TT. Doc.2717 Ohkay Owingeh Motion for Partial Summary Judgement. San Juan Lawyer & Historians recognized a "cluster of San Juan Pueblos" and the Acequia they helped dig on the west side of the river in San Gabriel.

*Hearsay, no relevance under Fed. R. Evid. 401, exhibit consists of the contentions of a party in another case.*

- UU. Doc.2717-2 Exhibit A/Excerpts from expert report. Yunque Owingeh was where the colonists established in 1598.

*Hearsay, no relevance under Fed. R. Evid. 401, exhibit consists of the contentions of a party in another case.*

- VV. Case No. 05-29,544, Law Offices of Ted Trujillo. Amicus Curie Brief recognizes Onate settlement at San Gabriel, 1598.

*Hearsay, no relevance under Fed. R. Evid. 401, exhibit consists of the contentions of a party in another case.*

XX. Fred Waltz, 2004, Adjudication of water rights involving acequias.

*Hearsay, no relevance under Fed. R. Evid. 401.*

YY. Picture of Kiva at Chaco to give a sense to the gathering of Indians on Sept.8, 1598, happened in a similar Kiva. Ellis San Gabriel kiva?

*No relevance under Fed. R. Evid. 401.*

ZZ. San Juan Puerto Rico and there was a Rio Grande and El Yunque on this Spanish Island/ similar to New Mexico. A trail from Spain.

*No relevance under Fed. R. Evid. 401.*

AAA. H/R City council of San Gabriel to the Viceroy, 1607. In this town, headquarters of the army, came in this expedition more than 12 years ago.

*No relevance under Fed. R. Evid. 401.*

Respectfully submitted,

/s/ Ed Newville

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telephonic approval 01/16/2013

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 17<sup>th</sup> day of January 2013, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM-ECF participants in the manner indicated.

Via first class mail, postage prepaid addressed as follows:

David Ortiz  
Cecilia Ortiz  
P.O. Box 1082  
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/s/ Ed Newville  
EDWARD G. NEWVILLE